

DOCKET NO.: ISIS-4804

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:**

**Muthiah Manoharan, Martin A. Maier,  
Thazha P. Prakash and Kallanthottathil  
Gopalan Rajeev**

**Application No.: 09/996,292**

**Filing Date: November 28, 2001**

**For: NUCLEASE RESISTANT CHIMERIC OLIGONUCLEOTIDES**

**Confirmation No.: 3997**

**Group Art Unit: 1635**

**Examiner: McGarry, Sean**

**EXPRESS MAIL LABEL NO: EL999300250US**

**DATE OF DEPOSIT: October 22, 2004**

**Mail Stop SEQUENCE**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE  
WITH 37 CFR §§ 1.821 THROUGH 1.825**

- ☐ I hereby state, in accordance with the requirements of 37 C.F.R. §1.821(f), that the contents of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 CFR §1.821(c) and (e), respectively are the same.
- ☐ I hereby state that the submission filed in accordance with 37 CFR §1.821(g) does not include new matter.
- ☐ I hereby state that the submission filed in accordance with 37 CFR §1.821(h) does not include new matter or go beyond the disclosure in the international application as filed.
- ☒ I hereby state that the amendments, made in accordance with 37 CFR §1.825(a), included in the substitute sheet(s) of the Sequence Listing are supported in the application, as filed, at **Figure 1** and pages **126 and 128**. I hereby state that the substitute sheet(s) of the Sequence Listing does (do) not include new matter.
- ☒ I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(b), is the same as the amended Sequence Listing.
- ☐ I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(d), contains identical data to that originally filed.

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PATENT

Date: *October 22, 2004*

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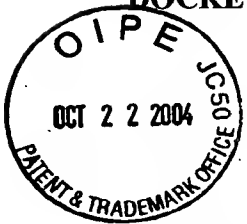
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**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURE**

In response to the "Notice to Comply With Requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" dated  
September 27, 2004, a response to which is due October 27, 2004, enclosed herewith is:

- ☒ Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821 through 1.825;
- ☒ Substitute pages of the Sequence Listing;
- ☒ Substitute copy of the computer readable form of amended Sequence Listing;
- ☒ Amendment Directing Entry of Sequence Listing into Specification is attached
- ☒ Copy of Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- ☐ Other:

- ☐ Request is hereby made under 37 CFR § 1.136(a) to extend the time for response to the Notice to File Missing Parts of Application of \_\_\_\_\_ to and through \_\_\_\_\_, comprising an extension of the shortened period of \_\_\_\_\_ months:

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$215	\$	\$430	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$490	\$	\$980	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$765	\$	\$1530	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$1040	\$	\$2080	\$
TOTAL FEE DUE		\$0		\$0

Applicant(s) has/have not been notified that the requested extension will not be permitted. The present application is not involved in an interference declared pursuant to 37 CFR § 1.207.

Total fee required **\$0.00**

- ☐ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

Date: October 22, 2004

Jane E. Inglese  
Jane E. Inglese, Ph.D.  
Registration No. 48,444

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One Liberty Place - 46th Floor  
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Telephone: (215) 568-3100  
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Application No.: **09/996,292**

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicants attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a ASequence Listing as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the ASequence Listing in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the Sequence Listing in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up Raw Sequence Listing.
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the ASequence Listing is not the same as the computer readable form of the ASequence Listing as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the Sequence Listing. (If the unidentified sequences are not provided on the CRF)
- ☒ An initial or substitute paper copy of the Sequence Listing, as well as an amendment directing its entry into the specification. (If the unidentified sequences are not provided in the paper copy)
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d). (If a new paper and/or CRF are required)

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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